

Agenda Item # 37

Distribution
Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

No. 3684
Newport Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

December 11, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3684, which consists of the Petition of Michael and Irene Gross, as Trustees of the Michael A. Gross Trust, record owner, which seeks rezoning from the General Commercial zone to the Limited Industrial zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 5 "Ayes" and 1 "Nay." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 1 "Ayes" and 5 "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Samela D. Ueda Aye ☒ Nay ☐
CHAIRPERSON

Ledy Martini Aye ☐ Nay ☒
VICE-CHAIRPERSON

Susan L. Provencher Aye ☐ Nay ☒

Robert Salomon Aye ☐ Nay ☒
Barry White Aye ☒ Nay ☐
Jameson Hounfer Aye ☐ Nay ☒

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois on the petition of Michael and Irene Gross, as Trustees of the Michael A. Gross Trust, record owner, relative to a request for rezoning from the General Commercial to the Limited Industrial zone for the following real estate, to-wit:

The north 300 feet (except the south 150 feet) of the south 600 feet of the east 383.55 feet of Lot 2 of the west fractional half of fractional Section 4, Township 46 North, Range 11, east of the Third Principal Meridian, in Lake County, Illinois.

PIN: 03-04-300-043

The south 150 feet of the north 300 feet of the south 600 feet of the east 383.55 feet of Lot 2 in the west fractional half of fractional Section 4, Township 46 North, Range 11, east of the Third Principal Meridian, in Lake County, Illinois.

PIN: 03-04-300-044

The north 160.54 feet of that part of Government Lot 2 of the west fractional half of fractional Section 4, Township 46 North, Range 11, east of the Third Principal Meridian, described as follows: Commencing at a point on the north line of said Government Lot 2, 433.23 feet west of the northeast corner thereof: Thence west along said north line to a point 1980 feet east of the northwest corner thereof: Thence south parallel with and 1980 feet east of the west line of said Government Lot 2, 908.05 feet to the place of beginning; thence east parallel with the south line of said Government Lot 2, 252.77 feet, more or less, to a point on a line drawn parallel with and 383.55 feet west of the east line of said Government Lot 2: Thence south along said parallel line to the south line of said Government Lot 2; thence west along said south line to a point on a line lying 1951.9 feet east of the west line of said Government Lot 2; thence north parallel with said west line, 20 feet; thence east parallel with the south line of said Government Lot 2 to a point on a line drawn parallel with and 1980 feet east of the west line of said Government Lot 2: Thence north along said parallel line to the place of beginning, in Lake County, Illinois, containing 1.04 acres, more or less.

PIN: 03-04-300-050

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 5 – 1 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 1 to 5 that the petition be granted. Motion made by Member Whitmore, with a second by Member Sabonjian, to grant the petition. Voting "Aye" was Member Whitmore; voting "Nay," Members Mountsier, Sabonjian, Gravenhorst, Martini and Newton.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioner for rezoning from the General Commercial to the Limited Industrial zone be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the Petitioner as to the action taken by the Board.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

December 11, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on November 12, 2007 at 1:00 P.M. in the Wadsworth Village Hall, 14155 Wadsworth Road, Wadsworth, Illinois, relative to the petition of Michael and Irene Gross, as Trustees of the Michael A. Gross Trust, record owner, requesting rezoning from the General Commercial to the Limited Industrial zone for the following real estate, to-wit:

The north 300 feet (except the south 150 feet) of the south 600 feet of the east 383.55 feet of Lot 2 of the west fractional half of fractional Section 4, Township 46 North, Range 11, east of the Third Principal Meridian, in Lake County, Illinois.

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The proceedings of this public hearing have been electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies:

The Lake County Building and Code Enforcement Division,
The Lake County Health Department, and
The Lake County Department of Planning, Building and Development, and

As required by the Lake County Zoning Ordinance, in making its recommendation the Zoning Board of Appeals has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the public hearing of the Lake County Zoning Board of Appeals held on November 12, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Reindl, to recommend the prayer of the petitioner for rezoning from the General Commercial to the Limited Industrial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Raymond, Reindl and Stimpson. Voting "Nay," Member Westerman. The motion to recommend the petition be granted was passed by a vote of 5 – 1.

The Board finds that the request for rezoning meets the Standards for Map Amendments, Section 3.3, in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Finding: The County's comprehensive plan shows the property as Retail / Commercial and, therefore, the GC zoning is consistent with the Plan. However, the changes that have taken place in the area since the adoption of the Framework Plan support the requested rezoning to LI.

Standard B. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Finding: The trend of development in this area, as indicated by changing land uses and recent zoning actions, is clearly toward a light industrial character. Approval of this rezoning is in accordance with these changes.

Standard C. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Finding: The uses allowed in the LI district are compatible with the uses of nearby properties.

Standard D. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Finding: Any additional driveways for future development must be approved by the agency with jurisdiction. The property is served by private water well and septic system. Adequate public facilities and services are existing.

Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

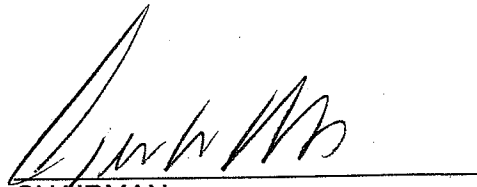
Finding: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F. The subject property is suitable for the proposed zoning classification.

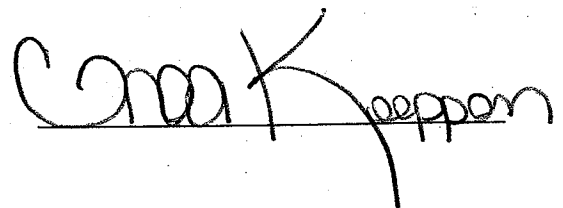
Finding: The property is physically suitable for the types of uses / development allowed in the LI zoning district.


At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

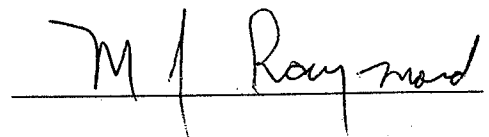
No. 3684
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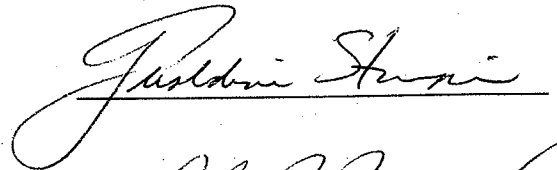

CHAIRMAN

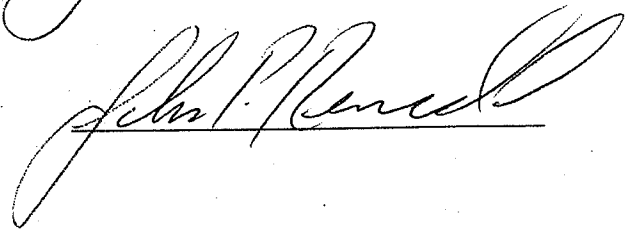
VICE CHAIRMAN











Dated this 20th day of November 2007.

Summary of Testimony

ZBA #3684

A public hearing was conducted by the Lake County Zoning Board of Appeals, on Monday, November 12, 2007 at 1:00 P.M. in the Wadsworth Village Hall, 14155 Wadsworth Road, Wadsworth, Illinois, on the petition of Michael and Irene Gross, as Trustees of the Michael A. Gross Trust, record owner, which seeks rezoning from the General Commercial to the Limited Industrial zone for the purpose of a well drilling business, a new building of approximately 10,000 square feet for rental of up to 10 units for light industrial purposes, which could include HVAC, machine shops, body shops, well drilling, pump repair and heavy truck repair. The subject property is located at 43320, 43326 and 43330 N. Highway 41, Zion, Illinois, Newport twp. and contains approximately 3.24 acres.

The following is a summary of the testimony:

1. Attorney James Babowice and Mr. Michael Gross, property owner, presented the case. Mr. Babowice testified that the property currently has a building, of approximately 6000 square feet, and cell towers. Mr. Gross's well drilling company, which is a legal nonconforming use, is located in the existing building. Mr. Gross testified that the well drilling company has existed for 55 years, and has been in its current location for 20 years. The rezoning will remedy the nonconformity of the well drilling use.
2. Mr. Babowice stated a letter of support had been received from nearby property owners Barbara and Joseph Doopers.
3. Mr. Gross testified that the driveway to the proposed new building will be from Country Lane. He stated that an area for the septic system for the new building had been identified. Mr. Gross explained it was his intention to relocate his well drilling business into the new building; he believes that his current building would be very good for a heavy truck repair business.

Summary of Department Comments

ZBA #3684

Lake County Health Department:

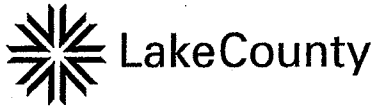
The applicants must apply for an Individual Sewage Disposal system permit for the proposed project, which must be reviewed and approved prior to construction taking place on the site.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning because in staff's opinion the request complies with the preponderance of the required standards.

The County's comprehensive plan shows the property as Retail / Commercial. The current GC zoning, rather than the desired LI zoning, is consistent with the Plan. However, the trend of development in the area, as indicated by changing land uses and recent zoning actions, is clearly toward a light industrial character. Approval of this rezoning is in accordance with these changes. The uses allowed in the LI district are compatible with the uses of nearby properties.

Public facilities and services are adequate. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur. The property is physically suitable for the types of uses / development allowed in the LI zoning district.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
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E-mail planning@co.lake.il.us

MEMORANDUM

October 24, 2007

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director 
Lake County Department of Planning, Building and Development

CASE NO: 3684 Rezoning

REQUESTED ACTION: Rezoning from the General Commercial zone to the Limited Industrial zone.

ZBA PUBLIC HEARING DATE: November 12, 2007

GENERAL INFORMATION

PETITIONERS: Michael and Irene Gross, as Trustees of the Michael A. Gross Trust, record owner

OF PARCELS: Three

SIZE: 3.24 acres

ADDRESS: 43320, 43326 and 43330 N. Highway 41, Zion, Newport twp.

EXISTING ZONING: General Commercial

PROPOSED ZONING: Limited Industrial

EXISTING LAND USE: Well drilling company (legal non-conforming use), cell tower

PROPOSED LAND USE: Same as existing plus a 10,000 square foot building for rental of up to 10 units for light industrial purposes, which could include HVAC, machines shops, body shops, well drilling, pump repair and heavy truck repair.

Development Review
Robert Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

SURROUNDING ZONING / LAND USE

NORTH: GC / Vacant, (future location of military vehicle artifact restoration for Russell Military Museum CUP 3666); contractor's equipment storage (CUP 3494)

EAST: GC / Russell Military Museum

SOUTH: GC / Vacant; landscaping / contractor's yard, outdoor material storage, parking and repair of trucks and equipment (CUP 3528)

WEST: RE / Single-family dwelling, farmland

COMPREHENSIVE PLANS

LAKE COUNTY: Retail / Commercial

MUNICIPALITIES WITHIN 1½ MILES: Village of Wadsworth / Commercial

DETAILS OF REQUEST

ACCESS: The existing well drilling business has vehicle access to Old Highway 41. There is an unpaved driveway to the cell tower from Country Lane.

FLOODPLAIN / WETLANDS: According to the County's GIS, the subject property is not in a floodplain and does not contain any wetlands.

SEWER AND WATER: The property is served by private septic and private water well.

ADDITIONAL COMMENTS

A well drilling business falls under "Commercial Service Oriented – Not otherwise classified," in the "Industrial Sales and Service" use category of the UDO (UDO 14.1.6.A.3.1). A well drilling business is allowed by right in the LI district and with a CUP in the GC district.

Recent zoning requests approved for properties in the area:

ZBA # 3494: Conditional Use Permit to allow contractor's equipment sales and storage; 43360 N. Highway 41; aprox. 2.6 acres; August 2005.

ZBA # 3527 and 3528: Rezoning from the Estate zone to General Commercial and a CUP to allow landscaping / contractor's yard, outdoor material storage, parking and repair of trucks and equipment; 43242 and 43272 Highway 41; aprox . 5.4 acres; February 2006.

ZBA # 3666: Conditional Use Permit to allow truck/trailer parking, vehicle repair and commercial service oriented industrial sales and service uses not otherwise classified, more specifically the storage and restoration of military vehicles and artifacts; 43396 Old Highway 41; aprox. 3.6 acres; September 2007.

RECOMMENDATION ON REZONING

Staff recommends approval for the rezoning from General Commercial to Limited Industrial. In staff's opinion the request meets the preponderance of the Map Amendment Approval Criteria in Section 3.3.8 as follows:

Map Amendment Approval Criteria – UDO Section 3.3.8

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The County's comprehensive plan shows the property as Retail / Commercial. The current GC zoning, rather than the desired LI zoning, is consistent with the Plan.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The trend of development in this area, as indicated by changing land uses and recent zoning actions, is clearly toward a light industrial character. Approval of this rezoning will be in accordance with these changes.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: The uses allowed in the LI district are compatible with the uses of nearby properties.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

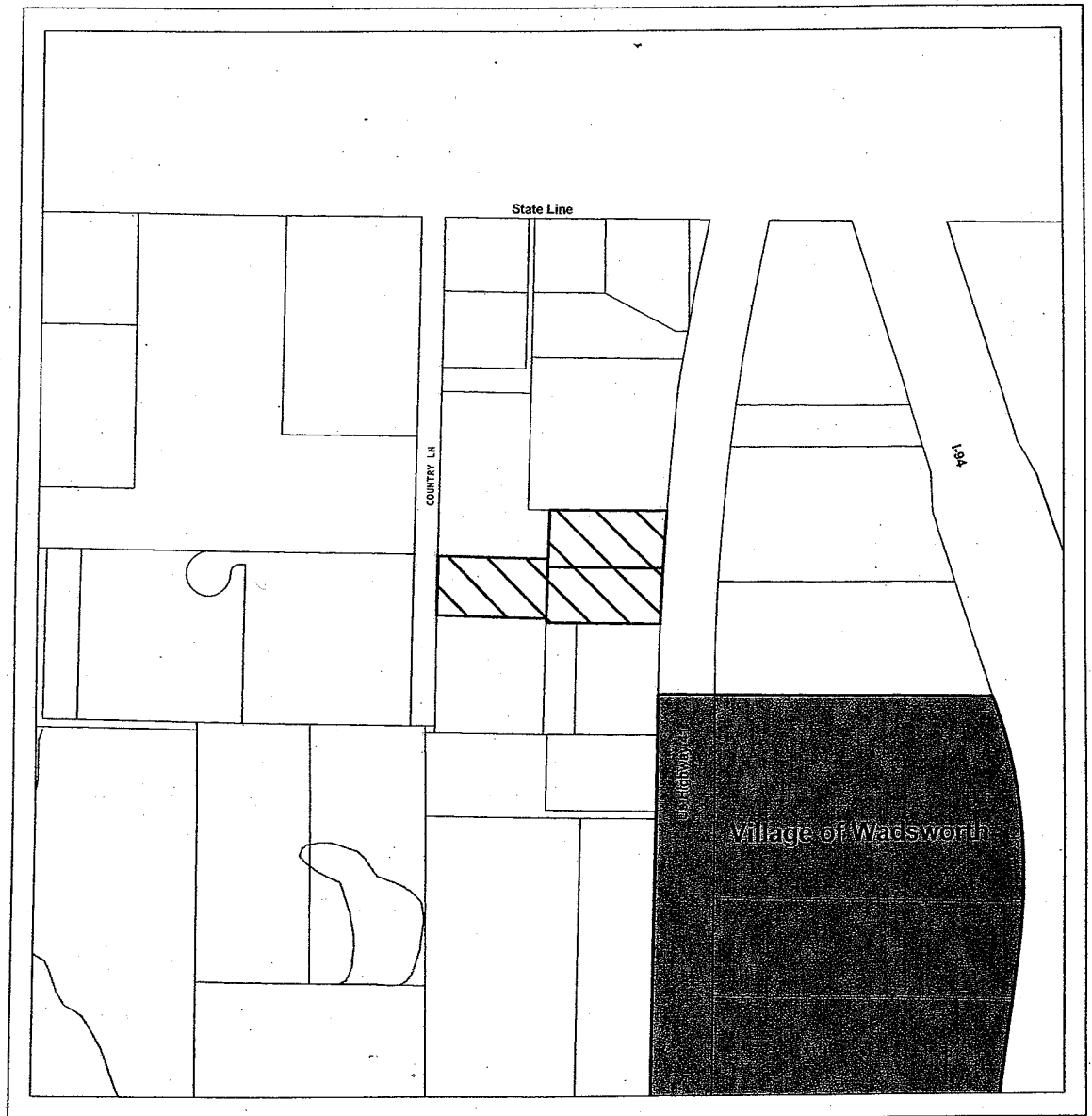
Comment: Any additional driveways for future development must be approved by the agency with jurisdiction. The property is served by private water well and septic system. Adequate public facilities and services are existing.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

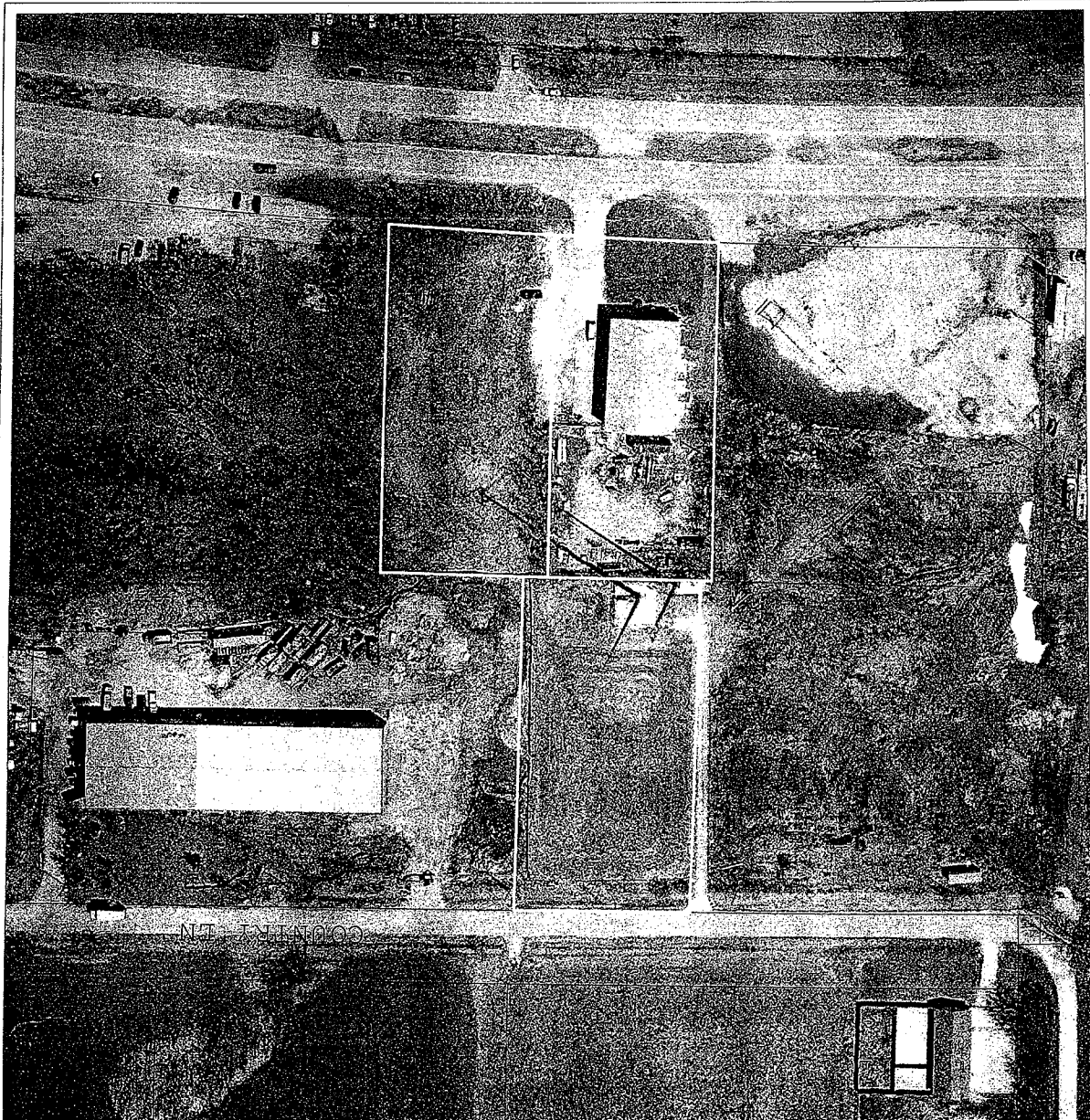
Comment: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The property is physically suitable for the types of uses / development allowed in the LI zoning district.



Zoning Board of Appeals Case# 3684



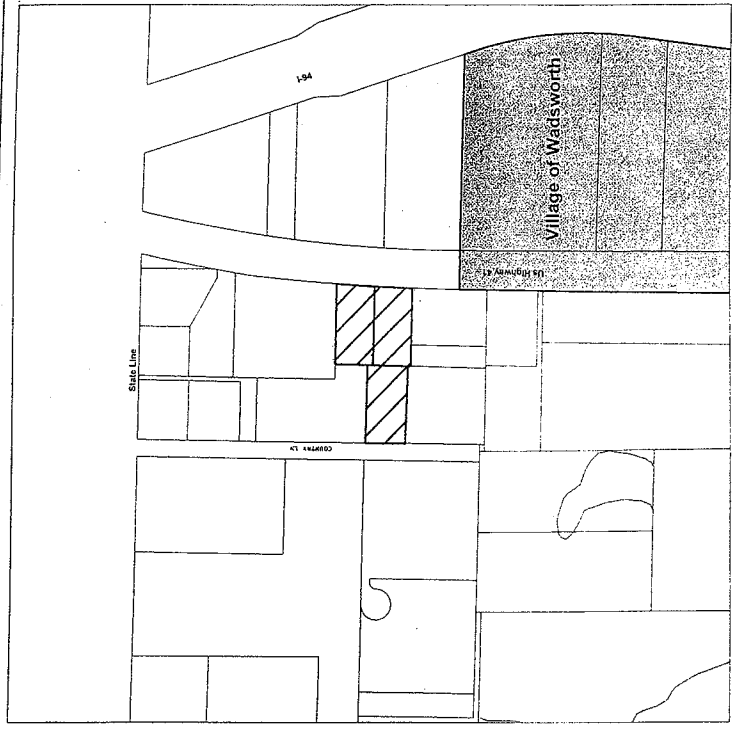
Incorporated Lake County



Subject Parcel

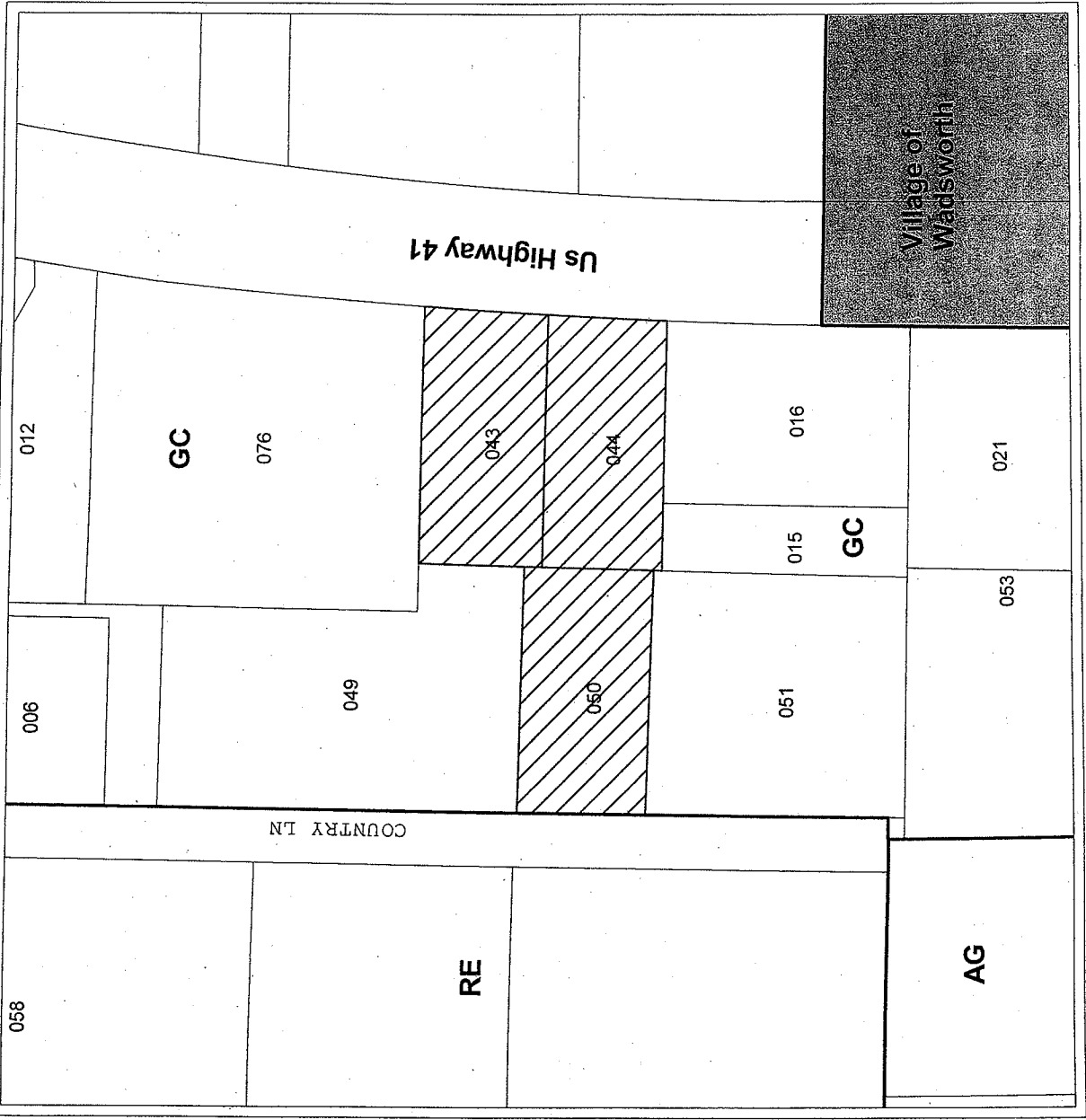


October 04, 2007



Zoning Board of Appeals Case# 3684

Newport Township



Zoning Board of Appeals Case# 3684

